

REMARKS

Claims 16 is Allowable

The Office has rejected claims 16-24, at paragraph 2 of the Office Action, under 35 U.S.C. §103(a), as being unpatentable over U.S. Pat. Pub. No. 2007/0124488 ("Baum") in the view of 2003/0028890 ("Swart"). Applicants respectfully traverse the rejections.

Applicants respectfully submit that the Office Action has cited a paragraph number without indicating which reference the cited paragraph belongs to. For example, see lines 7, 9-10 and line 22 on page 3, and lines 1 and 9 on page 4 of the Office Action. Since the claims 16-26 and 40 are rejected under 35 U.S.C. §103(a), as purportedly being unpatentable over Baum in view of Swart, it is not clear whether the Examiner is referring to paragraph 0030 of Swart or paragraph 0030 of Baum. *See* Office Action p. 3 line 22. Applicants respectfully submit that the particular parts of the cited references that the Examiner has relied upon have not been designated as clearly as practicable, and the pertinence of each reference has not been clearly explained, both as required by 37 C.F.R. § 1.104(c)(2). "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). *See also* MPEP § 706.02(j). Nevertheless, Applicants have made a bona fide attempt to respond to the rejections outlined in the Office Action.

The cited portions of Baum and Swart do not disclose or suggest the specific combination of claim 16. For example, the cited portions of Baum fail to teach or suggest initiating formation of at least a portion of a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source as in claim 16. Baum discloses a dynamic IP address allocation process whereby each ISP allocates an IP address to the users that are on-line at any given time. *See* Baum, paragraph 126. While claim 16 recites initiating formation of at least a portion of a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source, Baum

teaches storing content from the content source onto the local content servers located at remote offices. *See* Baum, paragraph 0044. Further, Baum teaches the end users served by each central office accessing content from the nearest remote office at a high speed, without compromising the bandwidth. *See* Baum, paragraph 0044. In particular, Baum teaches a two fold data transmission mechanism. The content in Baum is distributed to a number of remote central offices using otherwise unused bandwidth via the first transmitting mechanism, and content data stored at the central office is subsequently transmitted to the end user via the second transmitting mechanism. *See* Baum, paragraphs 0146-0147 and FIGS. 1 and 2. Additionally, Baum states, “a user might download content stored on the local content server 32 by entering a URL or selecting a web-based link to the vertical services domain (without PPP or PPPoE) directing the download request to the local content server 32.” *See* Baum, FIG. 4B and paragraph 134 (emphasis added).

Further, modifying Baum to create the system of claim 16 would not have been obvious because it would frustrate Baum’s intended purpose of downloading content at a high data rate from a content server proximate to a central office that serves the end user and distributing the downloaded content between the central content server and the respective local content servers using available bandwidth. *See* Baum, Abstract.

Swart does not teach initiating formation of at least a portion of a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source as in claim 16. Instead, Swart discloses acquiring content requested by a user, packaging and delivering the requested content to the user via a wide area network/Internet connection. *See* Swart, Abstract, and paragraph 0043 (emphasis added). In further contrast to claim 16, the remote programming sources of Swart provide content to a content acquisition system for transmission to one or more aggregator systems, and can include remote microwave sources that may be distributed via point-to-point microwave networks. *See* Swart, FIG. 12 and paragraphs 0098, 0101 (emphasis added). Swart describes forming a point-to-point connection between the remote consolidation system (415) and the content acquisition system (405). *See* Swart, FIG. 12 and paragraphs 0101, 0107. Swart’s remote consolidation system (415) is a sub-component of the remote content sources (410). *See* Swart, FIG. 11. At best, Swart teaches establishing a point-to-point connection between the content acquisition system 405 and remote content sources 410. Applicants submit that a point-to-point connection between the content

acquisition system 405 and remote content sources 410 is not analogous to a point-to-point communication link between a user device and the video content source as in claim 16. Accordingly, Swart does not disclose initiating formation of a point-to-point communication link between a user device and a video content source. As discussed above, Baum also fails to disclose initiating the formation of at least a portion of a point-to-point communication link between a user device and a video content source, as in claim 16. Therefore, Swart, and Baum, separately or in combination, fail to disclose or suggest at least one element of claim 16. Hence, claim 16 is allowable.

Accordingly, Applicants submit that claim 16 is allowable. Claims 17-23 depend from claim 16. Accordingly, claims 17-23 are allowable, at least by virtue of their dependence from claims 16.

Claim 19 is Allowable

Further, the dependent claims recite additional features that are not disclosed by the cited references. For example, the cited portions of Baum do not disclose maintaining a list of available video content sources in the multiple networks, the list including a unique address for the video content source and at least one connection rule for accessing the video content source as in claim 19. Baum is directed to optimum bandwidth utilization. Therefore, Baum teaches downloading content at a high speed from a content server to a central office that serves the end user. Baum does not disclose maintaining the list of available video content sources in the multiple networks because Baum does not have a need to maintain such a list.

Applicants submit that the cited portions of Baum and Swart do not disclose communicatively coupling the user device and the video content source with at least one point-to-point protocol over Ethernet link and at least one point-to-point protocol over asynchronous transfer mode link, as in claim 19. Instead, Swart's communications system may include user data transceivers for transmitting data between the aggregator and the user terminals. *See* Swart paragraph 0116 (emphasis added). The user data transceivers in Swart may, through the wide area distribution system, connect the communications server to the user terminals. *Id.* (emphasis added). The cited portions of Swart disclose multiplexing transmission of user data with content data and delivering content to the system users via the content delivery routers to the

communications system. *See* Swart paragraph 0126. The cited portions of Swart describe a user data transmission module coupled to the system processing module for transmitting user and administrative data from the aggregator system to one or more user terminals. *See* Swart paragraph 0130. However, the cited portions of Swart do not disclose communicatively coupling the user device and the video content source with at least one point-to-point protocol over Ethernet link and at least one point-to-point protocol over asynchronous transfer mode link. Further, the cited portions of Baum do not disclose this element of claim 19. For this additional reason, claim 19 is allowable.

Claim 21 is Allowable

As for claim 21, it would not have been obvious to one having ordinary skill in the art to modify Baum or the combination of Baum and Swart to arrive at the method of claim 21. Specifically, the cited portions of Baum disclose providing two circuits, one with low constant bit rate (CBR) service, the other with normal Unspecified Bit Rate (UBR) service. *See* Baum, paragraph 0143. However, the cited portions of Baum do not disclose using a variable bit rate stream, as in claim 21. Baum cannot and does not teach using variable bit rate because Baum is concerned with Bandwidth utilization. Since Baum is concerned with bandwidth utilization as opposed to real time data dispatch, Baum does not teach using variable bit rate transmission. Applicants submit that the unspecified bit rate transmission disclosed in the cited portion of Baum is not analogous to variable bit rate transmission of claim 21 since the former does not transmit data in real time. Further, Baum does not teach converting the variable bit rate stream into a constant bit rate stream as in claim 21. Claim 21 is additionally allowable for this reason.

Claim 24 is Allowable

As for claim 24, the cited portions of Baum and Swart do not disclose or suggest the specific combination of claim 24. For example, the cited portions of Baum fail to teach, suggest, or disclose initiating formation of at least a portion of a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source as in claim 24. The cited portion of Baum discloses a process of dynamic IP address allocation whereby each ISP allocates IP addresses to only the users that are on-line at any given

time. *See* Baum, paragraph 126. While claim 24 recites establishing a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source, Baum teaches a two fold data transmission mechanism. In particular, the downloaded content in Baum is distributed to a number of remote central offices using otherwise unused bandwidth via the first transmitting mechanism, and content data stored at the central office is subsequently transmitted to the end user via the second transmitting mechanism. *See* Baum, paragraph 0146-0147 and FIGS. 1 and 2. In other words, Baum teaches storing content from the content source onto the local content servers located at remote offices. *See* Baum, paragraph 0044. Further, Baum teaches that the end users served by each central office access content from the nearest remote office at a high speed, without compromising the bandwidth. *See* Baum, paragraph 0044. Additionally, Baum states, “a user might download content stored on the local content server 32 by entering a URL or selecting a web-based link to the vertical services domain (without PPP or PPPoE) directing the download request to the local content server 32”. *See* Baum, FIG. 4B and paragraph 134 (emphasis added). Thus, Baum teaches away from point-to-point (PPP) as in claim 24.

Further, modifying Baum to evolve the system of claim 24 would not have been obvious because it would frustrate the intended purpose of downloading content at a high data rate from a content server proximate to a central office that serves the end user and distributing the downloaded content between the central content server and the respective local content servers using available bandwidth. *See* Baum, Abstract.

Swart does not teach initiating formation of at least a portion of a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source as in claim 24. Instead, Swart discloses acquiring content requested by a user and packaging and delivering the requested content to the user via a wide area network/Internet connection. *See* Swart, Abstract, and paragraph 0043 (emphasis added). In further contrast to claim 24, the remote programming sources of Swart provide content to a content acquisition system for transmission to one or more aggregator systems, and can include remote microwave sources that may be distributed via point-to-point microwave networks. *See* Swart, FIG. 12 and paragraphs 0098, 0101 (emphasis added). Swart describes forming a point-to-point connection between the remote consolidation system (415) and the content acquisition system (405). *See* Swart, FIG. 12 and paragraphs 0101, 0107. Swart’s remote consolidation

system (415) is a sub-component of the remote content sources (410). *See* Swart, FIG. 11. At best, Swart teaches establishing a point-to-point connection between the content acquisition system 405 and remote content sources 410. Applicants submit that a point-to-point connection between the content acquisition system 405 and remote content sources 410 is not analogous to a point-to-point communication link between a user device and the video content source as in claim 16. Accordingly, Swart does not disclose initiating formation of a point-to-point communication link between a user device and a video content source. As discussed in detail with respect to claim 24, Baum also fails to disclose initiating the formation of at least a portion of a point-to-point communication link between a user device and a video content source, as in claim 24. Therefore, Swart and Baum, separately or in combination, fail to disclose or suggest at least one element of claim 24. Hence, claim 24 is allowable. Claims 25-26 depend from claim 24. Accordingly, claims 25-26 are allowable, at least by virtue of their dependence from claim 24.

Claim 40 is Allowable

The cited portions of Baum and Swart do not disclose or suggest the specific combination of claim 40. For example, the cited portions of Baum fail to teach or suggest initiating formation of at least a portion of a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source as in claim 40. The cited portion of Baum discloses a process of dynamic IP address allocation whereby each ISP allocates IP addresses to only the users that are on-line at any given time. *See* Baum, paragraph 126. While claim 40 recites establishing a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source, Baum teaches a two fold data transmission mechanism. In particular, the downloaded content in Baum is distributed to a number of remote central offices using otherwise unused bandwidth via the first transmitting mechanism, and content data stored at the central office is subsequently transmitted to the end user via the second transmitting mechanism. *See* Baum, paragraph 0146-0147 and FIGS. 1 and 2. In other words, Baum teaches storing content from the content source onto the local content servers located at remote offices. *See* Baum, paragraph 0044. Further, Baum teaches the end users served by each central office accessing content from the nearest remote office at a high speed, without compromising the bandwidth. *See* Baum, paragraph 0044.

Additionally, Baum states, “a user might download content stored on the local content server 32 by entering a URL or selecting a web-based link to the vertical services domain (without PPP or PPPoE) directing the download request to the local content server 32”. *See* Baum, FIG. 4B and paragraph 134 (emphasis added). Thus, Baum teaches away from claim 40.

Swart does not teach initiating formation of at least a portion of a point-to-point protocol communication link between a user device in a second network of the multiple networks and the video content source as in claim 40. Instead, Swart discloses acquiring content requested by a user and packaging and delivering the requested content to the user via a wide area network/Internet connection. *See* Swart, Abstract, and paragraph 0043 (emphasis added). In further contrast to claim 40, the remote programming sources of Swart provide content to a content acquisition system for transmission to one or more aggregator systems, and can include remote microwave sources that may be distributed via point-to-point microwave networks. *See* Swart, FIG. 12 and paragraphs 0098, 0101 (emphasis added). Swart describes forming a point-to-point connection between the remote consolidation system (415) and the content acquisition system (405). *See* Swart, FIG. 12 and paragraphs 0101, 0107. Swart’s remote consolidation system (415) is a sub-component of the remote content sources (410). *See* Swart, FIG. 11. At best, Swart teaches establishing a point-to-point connection between the content acquisition system 405 and remote content sources 410. Applicants submit that a point-to-point connection between the content acquisition system 405 and remote content sources 410 is not analogous to a point-to-point communication link between a user device and the video content source as in claim 16. Accordingly, Swart does not disclose initiating formation of a point-to-point communication link between a user device and a video content source. As discussed in detail with respect to claim 40, Baum also fails to disclose initiating the formation of at least a portion of a point-to-point communication link between a user device and a video content source, as in claim 40. Therefore, Swart and Baum, separately or in combination, fail to disclose or suggest at least one element of claim 40. Hence, claim 40 is allowable.

CONCLUSION

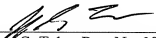
Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the cited art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application. The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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